

## **EXHIBIT A**

STATE OF SOUTH CAROLINA ) IN THE COURT OF COMMON PLEAS  
 )  
COUNTY OF ANDERSON ) Case Number: 2021-CP-04-  
 )  
Victoria Niro as Personal Representative )  
of the Estate of Cary C. Wilson )  
 ) Plaintiff, ) SUMMONS  
vs. )  
 )  
Fortina Floguens; and Connect Freight )  
Inc. )  
 ) Defendants. )

TO THE DEFENDANTS ABOVE-NAMED:

YOU ARE HEREBY SUMMONED AND REQUIRED to answer the Complaint in the above captioned action, a copy of which is hereby served upon you, and to serve a copy of your Answer to said Complaint on the subscribers herein at their office, 215 W. Stone Ave., Post Office Box 17947, Greenville, South Carolina, 29606, within thirty (30) days after service hereof, exclusive of the day of such service, and if you fail to answer the Complaint within the time aforesaid, Plaintiff will move before the Court for the relief sought in said Complaint.

FULTON & BARR

s/Valerie Elizabeth Fulton

ANDREW C. BARR  
VALERIE ELIZABETH FULTON  
Attorney for Plaintiff  
P.O. Box 17947  
Greenville, SC 29606-7947  
864/235-3154 FAX: 864/235-3667  
SC BAR # 12827

Greenville, South Carolina

STATE OF SOUTH CAROLINA ) IN THE COURT OF COMMON PLEAS  
 )  
COUNTY OF ANDERSON ) Case Number: 2021-CP-04-  
 )  
Victoria Niro as Personal Representative )  
of the Estate of Cary C. Wilson )  
 ) Plaintiff, ) COMPLAINT  
vs. ) ) (JURY TRIAL REQUESTED)  
 )  
Fortina Floguens; and Connect Freight )  
Inc. )  
 ) Defendants. )

COMES NOW, Plaintiff Victoria Niro as Personal Representative of the Estate of Cary C. Wilson in the above-captioned action and respectfully shows the court:

1. The decedent was a citizen and resident of Anderson County, South Carolina.
2. Plaintiff is a citizen and resident of the Commonwealth of Massachusetts, and is the duly appointed Personal Representative of the Estate of Cary C. Wilson.
3. Plaintiff is informed and believes that Defendant Fortina Floguens is a citizen and resident of Kent County in the state of Delaware.
4. Plaintiff is further informed and believes that Defendant Connect Freight Inc. is a business headquartered and with its principal place of business in the State of Illinois, and doing business within and availing itself of the County of Anderson, State of South Carolina.
5. Plaintiff is informed and believes that at the time in question Defendant Fortina Floguens was an agent and representative of Defendant Connect Freight Inc., and was operating a 2019 Semi Trailer with license plate MA299122Z, Equipment ID

U69925; and a 2015 Tractor Trailor with license plate TN Q3VFX47; both of which were owned by the Defendant Connect Freight Inc.. Furthermore, Plaintiff is informed and believes Defendant Fortina Floguens; was operating said vehicles within the scope of his employment with Defendant Connect Freight Inc..

6. On or about August 13, 2020, Defendant Fortina Floguens was broken down in the lane of travel in Jolly Wingo Road for over an hour and a half.
7. Defendant Fortina Floguens did not place warning devices on the road surface.
8. On August 13, 2020, at approximately 08:10 PM, Plaintiff was traveling on his motorcycle on Jolly Wingo Road. Because Defendant Fortina Floguens had not placed warning devices on the road surface, and because of the topography of the road upon which no warnings were placed, Plaintiff did not see Defendants' vehicle which was blocking the lane of travel. Plaintiff attempted to avoid collision with Defendants' vehicle, and in doing so, was run off the road. Plaintiff died as a result of his injuries after life-saving measures by emergency personnel, including "Life Flight" personnel.
9. A good Samaritan driving in the opposite lane of travel first saw Defendants' broken-down vehicles in the lane of traffic and next saw Decedent riding his motorcycle toward the vehicle. This individual knew that Decedent would not be able to avoid the Defendant, turned around, and called emergency services to aid the Decedent.
10. All of which combined and concurred as a direct and proximate cause of the death of Mr. Wilson and the injuries and damages suffered by the Plaintiff herein:

FOR A FIRST CAUSE OF ACTION

(Negligence)

11. Plaintiff re-alleges all prior allegations as stated in paragraphs one through nine as if reinstated herein.
12. The injuries and damages incurred by Plaintiff were directly and proximately caused by the careless, negligent, grossly negligent, willful, wanton, reckless and unlawful acts of Defendant Fortina Floguens, as an agent and servant of Defendant Connect Freight Inc., in one or more of the following particulars:
  - a. In failing to keep a proper lookout;
  - b. In 56-5-5310, failing to operate the vehicle in a safe manner in violation of Code of Laws of South Carolina 1976, as amended;
  - c. In operating a vehicle without an external warning signal device by either removing or disconnecting said safety device.
  - d. In operating the vehicle in a reckless and negligent manner.
  - e. In 49 C.F.R. Section 392.22B, failure of a stopped commercial motor vehicle to use Emergency Signals, in violation of DOT regulations.
13. That the careless, negligent, grossly negligent, willful, wanton, reckless, and unlawful acts of Defendant Fortina Floguens as agent and servant of Defendant Connect Freight Inc., were the direct and proximate cause of Mr. Wilson's death and Plaintiff's injuries and damages.
14. Plaintiff is informed and believes that he is entitled to judgment against Defendant Fortina Floguens as agent and servant of Defendant Connect Freight Inc., for actual and punitive damages in an amount deemed appropriate by a jury.

15. Notwithstanding Defendant Fortina Floguens vicarious liability, Defendant Connect Freight Inc. was careless, negligent, grossly negligent, willful, wanton, and reckless in one or more of the following particulars:
  - a. In failing to instruct Defendant Fortina Floguens in the proper use and operation of vehicle, when they knew or should have known in the exercise of reasonable care, that without such instructions, Defendant Fortina Floguens was an unfit and unsafe driver.
  - b. In failing to inspect and/or maintain the vehicles driven by Defendant Fortina Floguens when they knew or should have known in the exercise of reasonable care, that the vehicle was in an unfit and unsafe driving condition.
  - c. In failing to properly maintain and assure the use of the signaling devices on the vehicle.
16. These acts and omissions of Defendant Connect Freight Inc., combining and concurring with the already mentioned acts and omissions of Defendant Fortina Floguens were the direct and proximate cause of Mr. Wilson's death and the Plaintiff's injuries and damages.

**FOR A SECOND CAUSE OF ACTION**

**(Survival Action)**

17. Plaintiff re-alleges all prior allegations as stated in paragraphs one through fifteen as if reinstated herein.
18. As a result of the above-described acts of Defendants, Mr. Wilson was severely injured and died. As a direct and proximate result of the incident, Mr. Wilson

underwent much physical pain, suffering, mental anguish, emotional distress and impairment of bodily efficiency before his death and incurred expenses for medical care and funeral expenses.

**FOR A THIRD CAUSE OF ACTION**  
**(Wrongful Death Action)**

19. Plaintiff re-alleges all prior allegations as stated in paragraphs one through seventeen as if reinstated herein.
20. As a result of the above-described acts of Defendants, Plaintiff and the other statutory beneficiaries of Mr. Wilson have suffered, and will in the future suffer:
  - a. Grief;
  - b. Shock;
  - c. Sorrow;
  - d. Wounded feelings;
  - e. Loss of companionship;
  - f. Loss of the deceased's counsel on family matters;
  - g. Emotional distress;
  - h. Pecuniary loss in funeral expenses; and
  - i. Loss of deceased's financial support.
21. Plaintiff is informed and believes that she is entitled to judgment against Defendants, for actual and punitive damages in an amount deemed appropriate by a jury.

WHEREFORE, Plaintiff prays for judgment against Defendants for actual and punitive damages in an amount appropriate, the cost of this action, and for such other and further relief as the Court may deem just and proper.

FULTON & BARR

s/Valerie Elizabeth Fulton

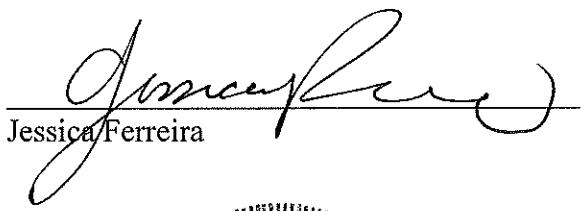
Andrew C. Barr (S.C. Bar 12827)  
Valerie Elizabeth Fulton (S.C. Bar 103169)  
Attorney for the Plaintiff  
P.O. Box 17947  
Greenville, SC 29606-7947  
864/235-3154  
FAX: 864/235-3667

August 24, 2021

STATE OF SOUTH CAROLINA ) IN THE COURT OF COMMON PLEAS  
 )  
 COUNTY OF ANDERSON ) Case No.: 2021-CP-01677  
 )  
 Victoria Niro as Personal )  
 Representative of the Estate of )  
 Cary C. Wilson, )  
 )  
 Plaintiff(s), )  
 )  
 vs. ) AFFIDAVIT OF SERVICE  
 )  
 Fortina Floguens; and Connect )  
 Freight Inc., )  
 )  
 Defendant(s). )  
 \_\_\_\_\_

I, Jessica Ferreira, Paralegal to Valerie Elizabeth Fulton, Attorney for Plaintiff, being duly sworn, do hereby state that on November 8, 2021 I served upon Connect Freight Inc., a copy of Plaintiff's Summons and Complaint and Interrogatories and Requests for Production via United States certified, restricted delivery, return receipt mail, proper postage affixed thereto, addressed as shown below. See receipt of service attached hereto as Exhibit A to this affidavit.

Milos Dimitrijevic; Registered Agent  
 Connect Freight, Inc.  
 2200 W 159<sup>th</sup> St  
 Markham, IL 60428

  
 Jessica Ferreira

SWORN to before me this  
1 day of DEC., 2021.

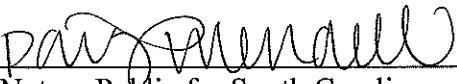
  
 \_\_\_\_\_  
 Notary Public for South Carolina,  
 My Commission expires: 2/2/2031



EXHIBIT A

# USPS Tracking®

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**Tracking Number:** 70200640000072417398

Your item was delivered to an individual at the address at 9:32 am on November 19, 2021 in MARKHAM, IL 60428.

**Status**

**Delivered, Left with Individual**

November 19, 2021 at 9:32 am  
MARKHAM, IL 60428

[Get Updates](#)

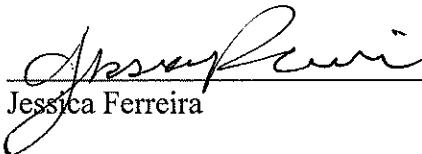
**Text & Email Updates**

**Delivered**

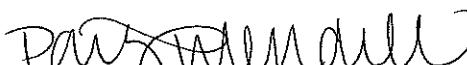
STATE OF SOUTH CAROLINA ) IN THE COURT OF COMMON PLEAS  
                               )  
 COUNTY OF ANDERSON     ) Case No.: 2021-CP-01677  
 Victoria Niro as Personal )  
 Representative of the Estate of )  
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 Plaintiff(s),            )  
                               )  
 vs.                        ) AFFIDAVIT OF SERVICE  
                               )  
 Fortina Floguens; and Connect )  
 Freight Inc.,             )  
                               )  
 Defendant(s).            )  
 \_\_\_\_\_)

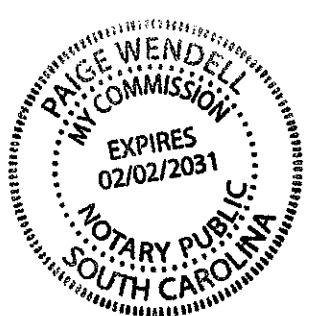
I, Jessica Ferreira, Paralegal to Valerie Elizabeth Fulton, Attorney for Plaintiff, being duly sworn, do hereby state that on October 27, 2021 I served upon Fortina Floguens, a copy of Plaintiff's Summons and Complaint and Interrogatories and Requests for Production via United States certified, restricted delivery, return receipt mail, proper postage affixed thereto, addressed as shown below. See receipt of service attached hereto as Exhibit A to this affidavit.

Fortina Floguens  
 118 Immunity Lane  
 Magnolia, DE 19962

  
 Jessica Ferreira

SWORN to before me this  
1 day of Dec., 2021.

  
 \_\_\_\_\_  
 Notary Public for South Carolina.  
 My Commission expires: 2/2/2031





**S. C. DEPARTMENT OF  
MOTOR VEHICLES**

OFFICE OF GENERAL COUNSEL

P.O. Box 1498, Blythewood, S.C. 29016: (803) 896-9900, Fax :(803) 896-9901

**COPY**

November 2, 2021

USPS Tracking # 7020 3160 0000 4263 6774

Fortina Floguens  
118 Immunity Lane  
Magnolia, DE 19962

**Re:** *Victoria Niro as PR of the Estate of Cary C. Wilson v. Fortina Floguens and Connect Freight Inc.*  
**Case No.: 2021-CP-04-01677, DMV 21-507**

Dear Sir/Madam:

In accordance with the provisions of Section 15-9-350 or 15-9-360 of the Code of Laws of South Carolina (1976), this office has received the enclosed **Summons and Complaint** in the above-referenced action. Under South Carolina law, this has the same legal effect as if you had been served with these documents personally.

Section 15-9-350 of the 1976 Code of Laws of South Carolina, as amended, provides that:

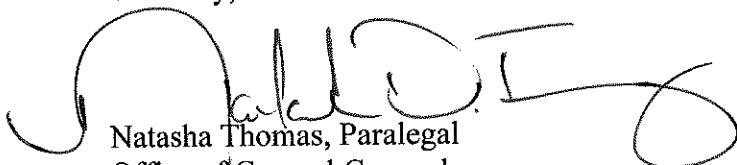
“The acceptance by a nonresident of the rights and privileges conferred by the laws in force in this State permitting the operation of motor vehicles, as evidenced by the operation of a motor vehicle by such nonresident on the public highways, the streets of any incorporated municipality or the public roads of this State or anywhere within this State, or the operation by such nonresident of a motor vehicle on any such public highways, streets, or public roads or anywhere within this State other than as so permitted or regulated shall be deemed equivalent to the appointment by such nonresident of the Director of the Department of Motor Vehicles or of his successor in office to be his true and lawful attorney upon whom may be served all summons or other lawful process in any action or proceeding against him growing out of any accident or collision in which such nonresident may be involved by reason of the operation by him, for him or under his control or direction, express or implied, of a motor vehicle on such public highways, Streets, or public roads or anywhere within this State. Such acceptance or operation shall be a signification of his agreement that any such process against him shall be of the same legal force and validity as if served on him personally.”

Section 15-9-360 of the 1976 Code of Laws of South Carolina, as amended, provides that:

“The acceptance by a nonresident motor carrier of the rights and privileges conferred by the laws now or hereafter in force in this State, permitting the operation of motor vehicles as evidenced by the operation of a motor vehicle by such nonresident either personally or through an agent or employee on the public highways in this State, or the operation of such nonresident either personally or

through an agent, lessee, or employee, of a motor vehicle on the public highways of this State other than as so permitted or regulated, shall be deemed equivalent to the appointment by such nonresident motor carrier of the Director of the Department of Motor Vehicles, or his successor in office, to be his true and lawful attorney and the attorney of his executor or administrator, upon whom may be served all summonses or other lawful process or notice in any action, assessment proceeding, or other proceeding against him or his executor or administrator, arising out of or by reason of any provisions in Chapter 31 of Title 12 relating to such vehicle or relating to the liability for tax with respect to operation of such vehicle on the highways of this State. Acceptance or operation shall be a signification by such nonresident motor carrier of his agreement that any such process against or notice to him or his executor or administrator shall be of the same legal force and validity as if served on him personally or on his executor or administrator. All of the provisions of Sections 15-9-370, 15-9-380, and 15-9-350 shall be applicable with respect to the service of process or notice pursuant to this section."

Sincerely,



Natasha Thomas, Paralegal  
Office of General Counsel

For: Director, South Carolina Department of Motor Vehicles

Enclosure

cc: Andrew C. Barr, Esquire  
215 W. Stone Ave.  
P.O. Box 17947  
Greenville, SC 29606